

By: Carter

H.B. No. 2867

A BILL TO BE ENTITLED

AN ACT

relating to forfeiture of property used in the commission of certain intoxication offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 59.01(2), Code of Criminal Procedure, is amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

(i) any first or second degree felony under the Penal Code;

(ii) any felony under Section 15.031(b), 20.05, 21.11, 38.04, or Chapter 43, 20A, 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

(iii) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

(iv) any offense under Section 49.08, Penal Code, or any offense under Chapter 49, Penal Code, that is punishable under Section 49.09(b), (b-1), (b-2), or (b-4), Penal Code ~~[as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter];~~

(B) used or intended to be used in the commission of:

(i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);

(ii) any felony under Chapter 483, Health and Safety Code;

(iii) a felony under Chapter 153, Finance Code;

(iv) any felony under Chapter 34, Penal Code;

(v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;

(vi) any felony under Chapter 152, Finance Code;

(vii) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves the state Medicaid program;

(viii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;

(ix) a Class A misdemeanor under Section 306.051, Business & Commerce Code;

(x) any offense under Section 42.10, Penal Code;

(xi) any offense under Section 46.06(a)(1) or 46.14, Penal Code;

(xii) any offense under Chapter 71, Penal Code; or

(xiii) any offense under Section 20.05,

1 Penal Code;

2 (C) the proceeds gained from the commission of a
3 felony listed in Paragraph (A) or (B) of this subdivision, a
4 misdemeanor listed in Paragraph (B)(viii), (x), (xi), or (xii) of
5 this subdivision, or a crime of violence;

6 (D) acquired with proceeds gained from the
7 commission of a felony listed in Paragraph (A) or (B) of this
8 subdivision, a misdemeanor listed in Paragraph (B)(viii), (x),
9 (xi), or (xii) of this subdivision, or a crime of violence;

10 (E) used to facilitate or intended to be used to
11 facilitate the commission of a felony under Section 15.031 or
12 43.25, Penal Code; or

13 (F) used to facilitate or intended to be used to
14 facilitate the commission of a felony under Section 20A.02 or
15 Chapter 43, Penal Code.

16 SECTION 2. The change in law made by this Act applies only
17 to an offense committed on or after the effective date of this Act.
18 An offense committed before the effective date of this Act is
19 governed by the law in effect on the date the offense was committed,
20 and the former law is continued in effect for that purpose. For
21 purposes of this section, an offense was committed before the
22 effective date of this Act if any element of the offense occurred
23 before that date.

24 SECTION 3. This Act takes effect September 1, 2013.